

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR PIERCE COUNTY

MARC GREEN, an individual,

Plaintiff,

No.

vs.

PLAINTIFFS' COMPLAINT FOR  
DAMAGES

SAFEWAY, INC. a Delaware corporation, J.  
Doe, LIVETRENDS DESIGN GROUP, LLC,  
a Florida limited liability company,

Defendants.

Plaintiff, Marc Green, by and through his attorneys, Mark McClure of McClure Law Group, and Michael A. Maxwell and Thomas J. Degan Jr. of Maxwell Graham, PS, for his complaint against Defendant, asserts as follows:

**1.0 IDENTIFICATION OF PARTIES**

1.1 Plaintiff Marc Green is an individual who have at all material times resided in King County, Washington.

1.2 Safeway, Inc. is a Delaware corporation that transacts business throughout Washington state including Pierce County, Washington. Safeway, Inc. owns and operates a retail grocery establishment with the trade name "Safeway #1844" that is located at: 215 Whitesell Street Northwest, Orting, Washington, 98360.

1           1.3     Livetrends Design Group, LLC is a Florida limited liability company that designs,  
2 produced, and/or supplies products to retailers in Washington State, including Pierce County,  
3 Washington.

4                               **2.0     JURISDICTION AND VENUE**

5           2.1     At all times relevant, Defendants Safeway, Inc. and Livetrends Design Group,  
6 LLC transacted business in Pierce County, Washington.

7           2.2     Venue is properly laid in this Court.

8           2.3     This Court has jurisdiction over all parties and over the subject matter of this  
9 Complaint.

10                           **3.0     FACTS AND CIRCUMSTANCES**

11          3.1     On or about, April 18, 2021, Marc Green entered the Safeway store located at 215  
12 Whitesell Street Northwest, Orting, Washington (hereinafter "Store").

13          3.2     The Store has a floral department which manufactures and sells floral  
14 arrangements including succulents potted in glass vases.

15          3.3     Marc Green chose a succulent potted in a vase from a display in the Store for  
16 purchase.

17          3.4     On information and belief, the succulent potted in a glass vase that Marc Green  
18 chose to purchase was manufactured by Livetrends Design Group, LLC.

19          3.5     Mr. Green brought the vase and succulent to the cashier and paid for the item.

20          3.6     After purchasing the succulent, Marc Green picked up his purchase by grasping  
21 the lip of the vase with his hand. Moments later, the glass vase broke in his hand.

22          3.7     A shard of the glass vase caused a deep laceration of Marc Green's wrist when it  
23 broke, severing tendons and nerves in Marc Greens wrist causing permanent injury.

4.1 In operating a floral department which created and sold plants and floral arrangements, Defendant Safeway is a product manufacturer and/or product seller within the meaning of the Washington Products Liability Act (“WPLA”), RCW 7.72 *et seq.*

4.3 Plaintiff Marc Green was at all relevant times a “user” and “consumer” of the succulent and vase pursuant to RCW 7.72.010.

4.5 The succulent and vase were not reasonably safe as designed because at the time of manufacture, the likelihood that the product would cause the claimant's harm or similar harms, and the seriousness of those harms, outweighed the burden on the manufacturer to design a glass vase which fractures creating sharp shards without warning while being carried.

1           4.6     Defendants' succulent and vase were not reasonably safe due to inadequate  
2 warnings because no warning was provided that the glass vase could shatter creating sharp edges  
3 without warning while being carried.

4           4.7     Defendants' succulent and vase were not reasonably safe as constructed because a  
5 glass vase which unexpectedly fails and shatters causing is unfit for the ordinary purpose and a  
6 breach of RCW 7.72.030 and RCW 62A.2-314.

7           4.8     Defendants are liable to plaintiff for plaintiff's injuries and damages with regard  
8 to the subject *succulent and vase*, because the product was not reasonably safe pursuant to RCW  
9 7.72 *et seq.*

10                               **6.0     PRAYER FOR RELIEF**

11           WHEREFORE, having stated their complaint against Defendants, Plaintiff prays for the  
12 following relief:

13           6.1     General damages in an amount to be proven at trial, on behalf of Plaintiff,

14           6.2     An award of any and all economic losses sustained by Plaintiff as a result of  
15 Defendants' violations of Washington Products Liability Act ("WPLA"), RCW 7.72 *et seq.*

16           6.3     Prejudgment interest on all economic losses sustained by Plaintiff as a result of  
17 Defendants' violation of Washington Products Liability Act ("WPLA"), RCW 7.72 *et seq.*

18           6.4     For such other and further relief as the court deems just and appropriate.

19           DATED this 25<sup>th</sup> day of January, 2022.

20           MAXWELL GRAHAM, P.S.

20           MCCLURE LAW GROUP

21  
22           s/ Thomas J. Degan Jr.

21  
22           s/ Mark McClure

23           Michael Maxwell, WSBA #21781

23           Mark McClure, WSBA #24393

24           Thomas J. Degan Jr., WSBA #31513

24           Attorney for Plaintiffs

24           Attorneys for Plaintiffs

